

No. 16-0311

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
Nov 20, 2017  
DEBORAH S. HUNT, Clerk

In re: MAX GERBOC,  
  
Petitioner.

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ORDER

Before: CLAY, GRIFFIN, and THAPAR, Circuit Judges.

Max Gerboc petitions for permission to appeal the district court's order granting in part Defendant Contextlogic, Inc.'s motion to dismiss for failure to state a claim. Gerboc brought this petition to preserve his right to appeal had we decided that the district court's certification under Federal Rule of Civil Procedure 54(b) of the same order, resulting in Appeal No. 16-4734, was improvident. We affirmed the district court in that appeal, *Gerboc v. Contextlogic, Inc.*, 867 F.3d 675 (6th Cir. 2017), addressing the merits of the issues raised in Gerboc's petition. Thus, the relief he requests in the petition—an immediate appeal of the dismissal order—is moot.

The petition for permission to appeal is **DISMISSED AS MOOT**.

ENTERED BY ORDER OF THE COURT



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Deborah S. Hunt, Clerk